

UNITED STATES DISTRICT COURT

FILED
AT LAS CRUCESfor the
District of New Mexico

SEP 23 2015

MATTHEW J. DYKMAN
CLERKIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)302 E Poe St,
Roswell, New Mexico, 88203

Case No.

15-MR-594

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See attachment A, which is attached and hereby incorporated herein by this reference.

located in the _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):

See attachment B, which is attached and hereby incorporated herein by this reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☒ a person to be arrested or a person who is unlawfully restrained.

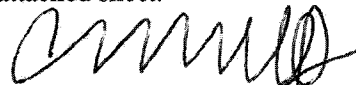
The search is related to a violation of:

Code Section
18 USC 922

Offense Description
Felon is possession of a firearm

The application is based on these facts:
See attached affidavit, which is attached and hereby incorporated herein by this reference.

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

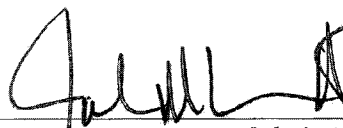
Colin McGuire, FBI SA

Printed name and title

Sworn to before me and signed in my presence.

Date: 09/23/2015

City and state: Roswell, New Mexico



Judge's signature

Honorable Joel Carson, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A
DESCRIPTION OF PROPERTY TO BE SEARCHED

302 East Poe Street, Roswell, New Mexico, is a tan single story residence with a white screen door. The numbers "302" are clearly displayed on a white placard above a flower pot next to the front door. The residence has an open carport on the north side of the building. The scope of the search warrant will include any vehicles present on the property, any outbuildings, sheds or barns on the property and other locations within the property not described where evidence, fruits of the crimes and contraband can be located as described on Attachment B.



[Handwritten signature]

ATTACHMENT B
DESCRIPTION OF ITEMS TO BE SEIZED

1. Any and all firearms to include rifles, shotguns and handguns.
2. Any and all ammunition.
3. Any receipts or paperwork which depicts the sale, purchase or possession of firearms.
4. Any paperwork or document that depicts the residency or ownership of the residence of Samuel Ramirez at 302 E Poe St, Roswell, NM
5. Photographs to be taken of the residence, vehicles and items seized for evidentiary purposes.

at cmf

AFFIDAVIT IN SUPPORT OF APPLICATION FOR SEARCH WARRANT

I, the undersigned, being duly sworn, hereby depose and state as follows:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI), United States Department of Justice. I have been employed since 2006. I am currently assigned to the FBI Albuquerque Division, Roswell Resident Agency which is located in Roswell, New Mexico and assigned (among other things) to investigate federal crimes which includes cases regarding the possession of firearms by convicted felons. I have conducted numerous state and federal investigations and received training, education, and experience with the identification and investigation of felons in possession of firearms. I have been personally involved in the execution of search warrants to search residences and seize materials relating to the possession of firearms by convicted felons. The information set forth in this affidavit has been derived from my own investigation or communicated to me by other sworn law enforcement officers or reliable sources.
2. This affidavit is submitted in support of an application for a search warrant to search for and seize instrumentalities, fruits and evidence of violations of Title 18, United States Code, Section 922, possession of a firearm by a convicted felon. The items that are the subject of the search and seizure applied for in this affidavit are more specifically described in Attachment A.
3. The information contained in this affidavit is based upon information obtained from other special agents and law enforcement officers and my previous investigative experience. Because this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth the facts that I believe necessary to establish probable cause to believe that evidence, fruits and instrumentalities of violations of Title 18, United

States Code, and Section 922 are currently located at 302 East Poe St, Roswell, New Mexico. This location is identified as the residence of Samuel Ramirez.

4. I have probable cause to believe that evidence of violations of 18 U.S.C § 922, the possession of a firearm by a convicted felon, is located in and within the aforementioned property described below. Thus, as outlined below, and based on my training and experience, there is probable cause to believe that evidence, fruits and/or instrumentalities of aforementioned crimes are located in this property.

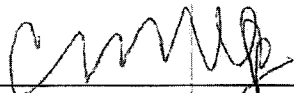
BACKGROUND OF THE INVESTIGATION

5. On September 18, 2015, Detective Albert Padilla of the Chaves County Sheriff's Office contacted agents and told them that he received information from Deputy Giovanni Ramirez of the Chaves County Sheriff's Office that Samuel Ramirez was planning to shoot and kill a Law Enforcement officer.
6. Deputy Ramirez received this information from a reliable confidential informant (CI). The CI told Deputy Ramirez that CI observed Samuel Ramirez with a firearm. The CI could not provide a vehicle that Samuel Ramirez was using.
7. Samuel Ramirez is a known and documented Norteno's street gang member with the Roswell Police Department. He has a large "Norteno's" tattoo on his neck that is visible with his shirt on.
8. Samuel Ramirez was arrested and convicted for multiple felonies. Samuel Ramirez was sentenced on 12/03/2005 to felon in possession of a firearm, aggravated assault with a firearm, and robbery in Chaves County, New Mexico.
9. A reliable source of information advised agents that Samuel Ramirez lives with his Grandmother at 302 East Poe Street, Roswell, New Mexico. On 09/18/2015, Special Agent Anthony Scheidel and Special Agent Robert Gillespie of the FBI photographed Samuel Ramirez exiting 302 East Poe Street, Roswell, New Mexico.
10. Based on the above facts, agents believe that Samuel Ramirez poses a serious threat to the safety of Law Enforcement. They further believe based on training and experience that it is common for convicted

felons in possession of firearms to store the weapon at their residence or on their person. Therefore agents are requesting a search warrant be granted for the residence of 302 East Poe Street, Roswell, New Mexico and the immediate person of Samuel Ramirez at the time he is located by Law Enforcement.

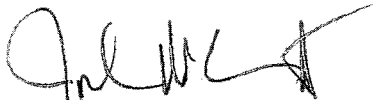
I swear that this information is true and correct to the best of my knowledge, information, and belief.

Respectfully Submitted,



Colin McGuire
Special Agent
Federal Bureau of Investigation

Subscribed to and sworn to
before me, this 23rd of September, 2015



Joel Carson
United States Magistrate Judge
Roswell, New Mexico